THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.9790 of 2005

18.11.2006

Between:

Hyderabad Postal Accounts P & T Audit Office Pensioners and Employees Welfare Association, represented by its Secretary, K.Neerajanath.

..Petitioner

And

The Commissioner for Co-operation and Registrar of Co-operative Soceity Gruhakalpa, M.J.Road, Nampally, Hyderabad. and others.

..Respondents

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WRIT PETITION No.9790 of 2005

ORDER:

On 09.01.2004, this Court disposed of a batch of writ petitions, being W.P.Nos.1834, 9234 and 19099 of 2001, with the following directions:

> *"The Person-in-charge Sri M. Rama Rao submits that an amount of Rs.1 crore, which includes outstanding recoveries, would be available with the Society and the same has to be disbursed to all the Fixed as well as the Thrift Deposit Holders and he requested that if the order dated 29.10.2002 is modified with a direction to disburse the amount available in 50% proportion to them, all the share holders including Fixed and Thrift Deposit Holders would receive some amounts as the persons who are at the fag end of the list prepared by him, as per the earlier directions of this Court, would not receive any amount.*
>
> *In view of the submission made by the Person-in-charge and taking into consideration of the equities and also to see that all the deposit holders should receive certain amounts, the order of this Court dated 29.10.2002 passed by me earlier is modified and the Person-in-charge is directed to disburse the amount, which is available at present and the amount to be recovered, in 50% proportion to all the share holders including Fixed as well as Thrift Deposit Holders.*
>
> *With the above modification of the interim order passed by me on 29.10.2002, the Writ Petition is disposed of making the rule nisi absolute.*
>
> *Further liberty is granted to the Petitioner-Society to make appropriate application to the concerned authority for the relief sought in W.P.M.P.no.17992 of 2003. As and when such an application is made, the authority is directed to consider the same as expeditiously as possible as the persons who would be the sufferers are all retired personnel and have invested their savings including retrial benefits in the Society."*

Now, the grievance of the petitioner is that the said directions of this Court are not being implemented properly and the respondents are going to start second cycle of payments of Thrift Deposits to the

members of the Society. Such an exercise by the respondents is not permissible till all the fixed deposit holders are paid 50% of their amounts as directed in the above judgment.

Thus, the complaint of the petitioner is that without completing the exercise of payment of 50% amount to the fixed deposit holders as directed by this Court to each of them, the respondents are going to start the second cycle of payment of Thrift deposits to the members of the society, without considering payment. If a cycle is completed, the second cycle should start from where the first cycle ended. The grievance of the petitioner is that, instead of that, the respondents have adopted a method that without completing the first cycle, they intend to start the second cycle.

The 3rd respondent filed a counter denying the averments made by the petitioner. It is stated that the society is not going to start second cycle of payment of Thrift Deposits to all the members. The Society has no such plans and as on date, the funds available with the society are sufficient for disbursement of 50% fixed deposit value outstanding as on date.

In view of the above, there is no necessity to give any fresh directions, except to state that the respondents while making payments to the Fixed Depositors as well as the Thrift Depositors in the second cycle, shall strictly follow the seniority in the first cycle.

The Writ Petition is accordingly disposed of. There shall be no order as to costs.

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(C.V.RAMULU, J)

18.11.2006
GJ